IN THE

Supreme Court of the United States

October Term, 1950

Nos. 353 and 552

EMORY S. LAND, ET AL., *Petitioners*

v.

R. STANLEY DOLLAR, ET AL.

CHARLES SAWYER, Secretary of Commerce, *Petitioner*

v.

R. STANLEY DOLLAR, ET AL.

EMORY S. LAND, ET AL., *Petitioners*

v.

R. STANLEY DOLLAR, ET AL.

MOTION FOR LEAVE TO FILE A BRIEF FOR *Amici Curiae* IN SUPPORT OF PETITIONS FOR WRITS OF CERTIORARI AND FOR REHEARING

Come now Ralph K. Davies, Gustav Epstein, Warren G. Epstein, Elise G. Salz and Reina J. Sheehan by their counsel and move this honorable Court for leave to file a brief as *amici curiae* in support of the Government

petitions for writs of certiorari and rehearing in the above entitled cases.

The Solicitor General has consented that such a brief be filed. Counsel for respondents has refused to consent.

Ralph K. Davies is a Director and a minority stockholder, and the other *amici curiae* are minority stockholders, of American President Lines, Ltd., (APL). They appear on behalf of themselves and all other minority stockholders similarly situated. They wish briefly to show to the Court that: (1) Of the 419 minority common stockholders in APL some 418 persons have acquired their stock interest after the transfer of control to the Government. They hold about 21% of the total common stock equity. In addition some 193 persons have acquired preferred stock, aggregating 24% of the total issue, since control of the line passed to the Government. (2) They could not prudently have acquired a minority interest under Dollar management, for the line was insolvent and had for a number of years been bled for the benefit of the Dollar interests. (3) It was believed by all concerned, on compelling grounds, that the Dollar interests had in 1938 sold outright all their stock interest to the Maritime Commission. (4) Under Government-appointed management APL has been completely rehabilitated and is a sound and prosperous shipping line. (5) The minority investment would lose most of its value and all of its attraction should Dollar control be restored. (6) The present petitions therefore carry with them the heavy equities of the minority stockholders as well as the larger interests of the public Treasury and the merchant marine.

Respectfully submitted,

WARNER W. GARDNER
734 - 15th Street, N. W.
Washington 5, D. C.
Counsel for Amici Curiae

FEBRUARY 1951

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OPPOSITION TO MOTION FOR LEAVE TO FILE BRIEF AS AMICI CURIAE.

GREGORY A. HARRISON,
MOSES LASKY,
CLINTON M. HESTER,
Attorneys for Respondents.

Dated: February 23, 1951.

PRESS OF BYRON S. ADAMS, WASHINGTON, D. C.

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OPPOSITION TO MOTION FOR LEAVE TO FILE BRIEF AS AMICI CURIAE.

Come now the respondents and oppose the motion of Ralph R. Davies, et al., for leave to file a brief as amici curiae.

The motion is predicated upon a series of statements with not a single supporting reference to the record.

Although the facts so alleged reflect discredit upon the respondents, they are not sworn to or averred by any one claiming knowledge thereof. Had these alleged facts ever been tendered by way of defense in this suit they would have been rejected as irrelevant and impertinent. It is therefore necessary that the respondents deny the facts alleged.

In truth and in fact applicant Davies is a director but has never been a stockholder of record of the American President Lines, Ltd. and the remaining applicants own in the aggregate only one-fifth of one per cent of the voting shares of the company.

The moving parties state that they "appear on behalf of themselves and all of the other minority stockholders similarly situated." This is to say the least presumptuous and it is untrue; for, as the applicants well know, the respondents and their associates are the admitted owners of more than a million dollars in par value of stock of record and there is no basis to suppose that the 414 other stockholders mentioned in the motion entertain any of the views presumptuously imputed to them by the applicants.

The motion, we submit, being of such a character, is not only to be denied but should be stricken from the files as scandalous and impertinent and an attempt to bring improper considerations before the Court.

Dated: February 23, 1951.

GREGORY A. HARRISON,
MOSES LASKY,
CLINTON M. HESTER,
Attorneys for Respondents.